



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU


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VIA ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

APPLICATION GRANTED

SO ORDERED


VERNON S. BRODERICK

U.S.D.J. 01/29/2024

The case is hereby STAYED until an order on the pending motions to dismiss is issued.

RE: Whittingham v. Tress et al., 23-cv-06058

Dear Judge Broderick:

The New York State Office of the Attorney General represents defendants the Hon. Melissa Crane ("Justice Crane"), Justice of the Supreme Court of the State of New York, County of New York; Tyler Evans, Principal Law Clerk to Justice Crane; Kevin Badkhshan, Commercial Division Law Clerk to Justice Crane; Joshua Kelly, Assistant Law Clerk to Justice Crane; Debora Baker, former Part Clerk to Justice Crane; Susanna Molina Rojas, Clerk of the Court of the Supreme Court of the State of New York, Appellate Division, First Judicial Department (the "First Department"); Kam Yuen, Principal Appellate Court Clerk for the First Department; Emma Lauren Holmes, Court Attorney for the First Department; and Victoria Duncan, erroneously captioned herein as "Veronica," Court Analyst for the First Department (collectively, "State Defendants") in the above-referenced action (the "Action").

I write with respect to the Court's order of January 24, 2024 (the "Order," ECF No. 64), which requires the parties to submit jointly by February 7, 2024: (1) a letter regarding, *inter alia*, the basis for the Court's jurisdiction, anticipated discovery, and anticipated trial length; (2) a proposed case management plan; and (3) a proposed scheduling order. *See* Order. State Defendants have filed a fully briefed motion to dismiss the Action in its entirety because the Complaint is barred by the *Rooker-Feldman* doctrine, Eleventh Amendment sovereign immunity, and judicial immunity, and further fails to state a claim. *See* ECF Nos. 16-19 (State Defendants' motion to dismiss, or the "Motion"), 20-21, 36. The other Defendants in the Action (Kriss & Feuerstein LLP, David Kriss, Jerrold Feuerstein, Roberta Ashkin, Harlem Contracting LLC, Loeb & Loeb LLP, David Satnick, and John Piskora) have also filed motions to dismiss, *see, e.g.*, ECF Nos. 22-24, 29, 38-39, 41, 44. Because the Motion and the other Defendants' motions are potentially dispositive and raise jurisdictional and immunity defenses, State Defendants respectfully request that the Order's requirements be stayed or extended until after disposition of the pending motions to dismiss herein.

Counsel for the other Defendants (Kriss & Feuerstein LLP, David Kriss, Jerrold Feuerstein, and Roberta Ashkin, by their counsel Michael James Bonneville, and Harlem Contracting LLC, Loeb & Loeb LLP, David Satnick, and John Piskora, by their counsel John Piskora) consent to this request. *Pro se* Plaintiff Trevor Whittingham likewise consents to this request. There have been no previous requests to stay or extend the Order.

State Defendants thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Anjali Bhat

Anjali Bhat

Assistant Attorney General

New York State Office of the Attorney General

Attorneys for State Defendants